

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
 AND ZONING VARIANCE
 N/S Hazelwood Ave., 478 ft. E of * ZONING COMMISSIONER
 c/l Westwood Avenue
 4918 Hazelwood Avenue * OF BALTIMORE COUNTY
 14th Election District
 6th Councilmanic District * Case No. 95-205-XA
 Joseph Palmisano, Jr.
 Petitioner *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as both a Petition for Special Exception and Petition for Zoning Variance for the property located at 4918 Hazelwood Avenue in the Kenwood section Baltimore County. The Petition is filed by Joseph Palmisano, Jr., property owner. Special Exception relief is requested pursuant to Section 230.13 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a service garage in a B.L.-C.N.S. zone. As to the Petition for Variance, relief is requested from Section 409.4.A. of the BCZR to permit a 12 ft. drive in lieu of the required 20 ft. drive; from Section 409.4.C. to permit a 19 ft. aisle in lieu of the required 22 ft. aisle; and from Section 409 to permit 12 parking spaces in lieu of the required 32 parking spaces. All of the relief requested is more particularly shown on Petitioner's Exhibit No. 1, the site plan to accompany the Petitions for Special Exception and Variance.

Appearing at the requisite public hearing held for this case was the property owner, Joseph F. Palmisano. Also present was Kenneth J. Wells, the licensed property line surveyor who prepared the site plan. Jeffrey and Patricia Pacciocco, tenants, also appeared at the hearing. The Petitioner was represented by Roger Sullivan, Esquire. There were no Protes-tants present.

Testimony and evidence presented was that the subject property is an irregularly shaped lot which is approximately .4443 acres in gross area.

ORDER RECEIVED FOR FILING

Date

By

1/20/95
[Signature]

MICROFILMED

As noted above, the site is zoned B.L.-C.N.S. The property is located on Hazelwood Avenue not far from the intersection of Hazelwood Avenue and Cedonia Road. As shown on the site plan, the property contains two parcels; namely, Parcel A and Parcel B. Parcel B is on the front portion of the property immediately abutting Hazelwood Avenue. That parcel is improved with a two story structure. The first floor is used as a restaurant and apparently has been used in such a manner for many years. The second floor contains a small office. The balance of Parcel B is .1163 acres in size and is improved with a macadam parking area.

Parcel A constitutes that portion of the lot to the rear of Parcel B. That parcel is .3280 acres in area and is improved with a one story 3 bay garage building. This is a long narrow building which is approximately 112.3 ft. in length and 24.4 ft. in depth. The garage is used to support a service garage business operated by Mr. and Mrs. Pacciocco

As to the requested special exception, Mr. and Mrs. Pacciocco indicated that they have operated the service garage business at this location for six years. They are the only employees of the business other than Mrs. Pacciocco's father who works occasionally. The hours of operation of the business are 8:30 A.M. to 5:30 P.M. and the business generally operates from Monday through Saturday. As noted above, the building contains three bays and Mr. and Mrs. Pacciocco testified that they perform minor body work and light mechanical work on vehicles in the site. They also noted that the site was previously used as a service garage even before their business began at this location. A prior business known as Quinn's Auto Repair was operated from the site for approximately 10 years.

A service garage in a B.L. zone is permitted by special exception pursuant to Section 230.13 of the BCZR. This is a rare case where the Zoning Commissioner is afforded an opportunity to actually receive testimo-

ny and evidence as to an existing business as opposed to a use which is proposed and not existing. The testimony and evidence offered was clear and convincing that the existing business can be operated from this site without any detriment to the health, safety and general welfare of the locale. The absence of Protestants in this respect was significant. There is no evidence that the use will, in any way, detrimentally affect this community. Thus, the Petition for Special Exception should be granted.

As to the variances, testimony was offered from both Mr. Palmisano and Mr. Wells in this regard. These variances are needed to legitimize the existing parking arrangement. As shown on the site plan, 32 spaces are required for the uses which are located on this property. Twenty-one spaces are actually provided. Mr. Wells explained that a practical difficulty or unreasonable hardship would exist if the variances were denied. Moreover, he testified that the property has unique features and characteristics which justify the variances. Specifically, its unusual configuration and shape justify that request for variances. Simply stated, additional parking cannot be accommodated on site. There is no room for additional parking spaces. The testimony offered by these witnesses was also that the present parking arrangement does not cause congestion or create any adverse impact for adjoining properties or the public at large. Apparently, the businesses operate in conjunction with one another from a time and use standpoint. Busy times for the garage, for example, are not at a time when the restaurant generates significant traffic.

Based on the testimony and evidence presented, I am persuaded that the Petition for Variance should be granted.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

ORDER RECEIVED FOR FILING
Date 1/20/95
By [Signature]

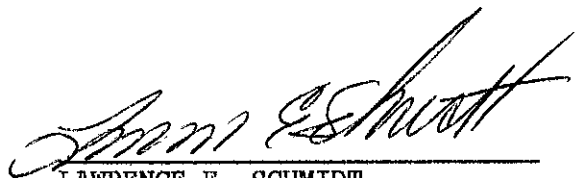
THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 20th day of January, 1995 that, pursuant to the Petition for Special Exception, approval, pursuant to Section 230.13 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a service garage in a B.L.-C.N.S. zone, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 409.4.A. of the BCZR to permit a 12 ft. drive, in lieu of the required 20 ft. drive, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that a variance from Section 409.4.C. to permit a 19 ft. aisle in lieu of the required 22 ft. aisle, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 409 to permit 12 parking spaces in lieu of the required 32 parking spaces, be and is hereby GRANTED, subject, however, to the following restriction:

1. The Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.


LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

LES:mmn

ORDER RECEIVED FOR FILING
Date 1/20/95
By M. Harsh

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

January 19, 1995

Roger Sullivan, Esquire
Law Offices of
F. Vernon Boozer
614 Bosley Avenue
Towson, Maryland 21204

RE: Petitions for Special Exception and Zoning Variance
Case No. 95-205-XA
Joseph Palmisano, Jr., Petitioner

Dear Mr. Sullivan:

Enclosed please find the decision rendered on the above captioned case. The Petitions for Special Exception and Zoning Variance have been granted, with restriction, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.

cc: Mr. Joseph Palmisano, Jr.
cc: Mr. and Mrs. Jeffrey Pacciocco

MICROFILMED





Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 4918 HAZELWOOD AVENUE, BALTIMORE, MD 21206

which is presently zoned BL-CNS

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

A Service Garage in a BL-CNS zone in accordance with
Section 23Q.13.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

(We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

F. Vernon Boozer
(Type or Print Name)

Signature

614 Bosley Avenue 828-9441
Address Phone No.

Towson, Maryland 21204
City State Zipcode

Legal Owner(s):

Joseph Palmisano, Jr.

(Type or Print Name)

Signature

(Type or Print Name)

Signature

311 Timonium Road 532-5639
Address Phone No.

Timonium, Maryland 21093
City State Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

F. Vernon Boozer
Name

614 Bosley Avenue 828-9441
Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 hr.
unavailable for Hearing

the following dates _____ Next Two Months

ALL ☒ OTHER ☐

REVIEWED BY: MD/16 DATE 12/8/94



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

4918 HAZELWOOD AVENUE, BALTIMORE, MD 21206

which is presently zoned

BL-CNS

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

SEE SCHEDULE A ATTACHED

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty) The subject site has been improved and in use since prior to 1949.

The site has limited frontage to Hazelwood Avenue and while the first drive is 20 foot, the site cannot accommodate a second 20 foot drive due to the limited frontage and positioning of the building. And for such other reasons to be assigned at the hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

F. Vernon Booser

(Type or Print Name)

Signature

614 Bosley Avenue

Address

828-9441

Phone No.

Towson, Maryland 21204

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Legal Owner(s)

Joseph Palmisano, Jr.

(Type or Print Name)

Signature

(Type or Print Name)

Signature

311 Timonium Road

Address

532-5639

Phone No

Timonium, Maryland 21093

City

State

Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

F. Vernon Booser

Name

614 Bosley Avenue

Address

828-9441

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE 12/8/94

SCHEDULE A

95-205-XA

(1) Section 409.4.A to permit a 12 foot drive in lieu of the required 20 foot drive.

(2) Section 409.4.C to permit a 19 foot aisle in lieu of the required 22 foot aisle.

(3) Section 409 to permit 12 parking spaces in lieu of the required 32 parking spaces as shown on the Plat accompanying the Petition.

94-12-06.gab

KENNETH J. WELLS, INC.
Land Planners and Surveyors

95-205-XA

Telephone: (410) 665-3242
Telecopier: (410) 665-3659

7902 Belair Road
Baltimore, Md. 21236-3735

Revised 11/30/94

**ZONING DESCRIPTION
4918 HAZELWOOD AVENUE
14th ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND**

Beginning for the same at a point approximately 478 feet east from the centerline of Westwood Avenue along the north side of Hazelwood Avenue; thence North 18 degrees 53 minutes East 266.15 feet; thence North 81 degrees 24 minutes 36 seconds East 37.87 feet; thence South 12 degrees 01 minutes 40 seconds West 134.35 feet; thence South 4 degrees 17 minutes 50 seconds West 49.67 feet; thence South 65 degrees 46 minutes 30 seconds East 50.42 feet; thence South 24 degrees 13 minutes 30 seconds West 107.50; thence North 65 degrees 46 minutes 38 West 102.78 feet to the place of beginning. Containing 0.444 acres of land more or less.



MICROFILMED

202

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

95-205-X1A

District: 14th Date of Posting: 12/22/94
Posted for: Special Exemptions & Variances
Petitioner: Joseph Palmsino, Jr.
Location of property: 4918 Hazelwood Ave, N/S
Location of Signs: Facing roadway on property being zoned
Remarks: No Pole used
Posted by: M. J. Stealy Date of return: 12/30/94
Signature
Number of Signs: 1



RECORDED

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 108 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #05-205-XA
(Item 202)

4918 Hazelwood Avenue
N/S Hazelwood Avenue,
478' E of 61' Westwood Avenue

14th Election District
8th Councilmanic

Legal Owner(s):
Joseph Palmisano, Jr.

Hearing: Tuesday,
January 17, 1995 at 2:00
p.m. in Rm. 118, Old
Courthouse

Special Exception for a parking lot adjacent to the existing parking lot to permit the use of the property for the purpose of parking and to permit the use of the property for the purpose of parking spaces in lieu of the required parking spaces as shown on the plat.

LAWRENCE S. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible for special accommodations. Please Call 887-3383.

(2) For information concerning the File and/or Hearing, Please Call 887-3381.

12/23/1 December 22.

CERTIFICATE OF PUBLICATION

TOWSON, MD., Dec. 23, 1994

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Dec. 22, 1994.

THE JEFFERSONIAN,

A. Henrichson

LEGAL AD. - TOWSON



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Date 12/7/94

Palmisano, Joe Jr. — 4918 Hazelwood Ave.

020 - Comm Var. — \$ 250.00

050 - Special Ex. — \$ 300.00

080 - 2 signs — \$ 70.00

Total — \$ 620.00

receipt

95-205-XA

Account: R-001-6150

Number

Item Number: 202

Taken In By: [Signature]

RECEIVED

03A03W0145MICHR

\$620.00

BA C003:SLPM12-07-94

Please Make Checks Payable To: Baltimore County

Cashier Validation



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 202

Petitioner: Joseph Palmisano, Jr.

Location: 4918 Hazelwood Avenue

PLEASE FORWARD ADVERTISING BILL TO:

NAME: F. Vernon Boozar

ADDRESS: 614 Bosley Avenue

Towson, Maryland 21204

PHONE NUMBER: 828-9441

AJ:ggs

(Revised 04/09/93)



TO: PUTUXENT PUBLISHING COMPANY
December 22, 1994 Issue - Jeffersonian

Please forward billing to:

F. Vernon Boozer, Esq.
614 Bosley Avenue
Towson, Maryland 21204
828-9441

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-205-XA (Item 202)
4918 Hazelwood Avenue
N/S Hazelwood Avenue, 478' E of c/l Westwood Avenue
14th Election District - 6th Councilmanic
Legal Owner(s): Joseph Palmisano, Jr.
HEARING: TUESDAY, JANUARY 17, 1995 at 2:00 p.m. in Room 118, Old Courthouse.

Special Exception for a service garage.

Variance to permit a 12-foot drive in lieu of the required 20-foot drive; to permit a 19-foot aisle in lieu of the required 22-foot aisle; and to permit 12 parking spaces in lieu of the required 32 parking spaces as shown on the plat.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

MICROFILMED

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

DECEMBER 14, 1994

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

or

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-205-XA (Item 202)

4918 Hazelwood Avenue

N/S Hazelwood Avenue, 478' E of c/l Westwood Avenue

14th Election District - 6th Councilmanic

Legal Owner(s): Joseph Palmisano, Jr.

HEARING: TUESDAY, JANUARY 17, 1995 at 2:00 p.m. in Room 118, Old Courthouse.

Special Exception for a service garage.

Variance to permit a 12-foot drive in lieu of the required 20-foot drive; to permit a 19-foot aisle in lieu of the required 22-foot aisle; and to permit 12 parking spaces in lieu of the required 32 parking spaces as shown on the plat.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Joseph Palmisano, Jr.
F. Vernon Boozer, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

NOTED



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

January 10, 1995

F. Vernon Boozer, Esquire
614 Bosley Avenue
Towson, Maryland 21204

RE: Item No.: 202
Case No.: 95-205XA
Petitioner: J. Palmisano

Dear Mr. Boozer:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on December 8, 1994.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 01/04/95

Arnold, Robert
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: JOSEPH PALMISANO, JR.

LOCATION: N/8 HAZELWOOD AVE., 678' E OF CENTERLINE WESTWOOD AVE.,
(4918 HAZELWOOD AVE.)

Item No. 202

Zoning Code: SPECIAL EXCEPTION
SPECIAL EXCEPTION & VARIANCE

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation, INCLUDING THE INSTALLATION OF FIRE LANE SIGNS ON BOTH SIDES AND FOR THE ENTIRE LENGTH OF THE "12 FOOT DRIVE".

RECEIVED
JAN 5 1995
ZADM

REVIEWED BY: ROBERT P. GALLERWOLD
Fire Marshal Office, PHONE 887-4831, HQ 11025

cc: File

MICROFILMED



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: January 3, 1995

SUBJECT: 4918 Hazelwood Avenue

INFORMATION:

Item Number: 202
Petitioner: Joseph Palmisano, Jr.
Property Size: .44 acres
Zoning: BI-CNS
Requested Action: Special Exception & Variance
Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

Based upon a site visit and analysis of the applicant's request, staff recommends that the applicant be required to provide a landscape plan for review by the Baltimore County Landscape Planner. Appropriate landscaping is necessary due to the proximity of adjacent residential uses.

Prepared by: Jeffrey W. Long

Division Chief: Camper

PK/JL

MICROFILMED

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: Dec. 27, 1994
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
RWB Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for December 27, 1994
Item No. 202

The Developers Engineering Section has reviewed the subject zoning item. This site should be made subject to the Landscape Manual to the extent possible.

RWB:sw

RECEIVED
DEC 29 1994



**Maryland Department of Transportation
State Highway Administration**

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

12-20-94

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109

111 W. Chesapeake Avenue
Towson, Maryland 21204

ATTN: MS. JOYCE WATSON

Dear Ms. Winiarski:

Re: Baltimore County

Item No.: +202 (MJK)

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for Ronald Burns, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
PETITION FOR VARIANCE *
4918 Hazelwood Avenue, N/S Hazelwood Ave, * ZONING COMMISSIONER
478' E of c/l Westwood Ave, 14th Election *
District, 6th Councilmanic * OF BALTIMORE COUNTY

Joseph Palmisano, Jr. * CASE NO. 95-205-XA
Petitioner *
* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO

Deputy People's Counsel

Room 47, Courthouse

400 Washington Avenue

Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of January, 1995, a copy of the foregoing Entry of Appearance was mailed to F. Vernon Boozer, Esquire, 614 Bosley Avenue, Towson, MD 21204, attorney for Petitioner.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Roger Sullivan Esq.

CORVALLIS 300252

Kenneth J. Wells

Kenneth J. Wells, Inc.

JOSEPH F PALMISANO JR

Jefrey C. Puccio

Patricia Marie Puccio

614 3rd Ave

Greenwood MS 21204

1902 Belair Rd

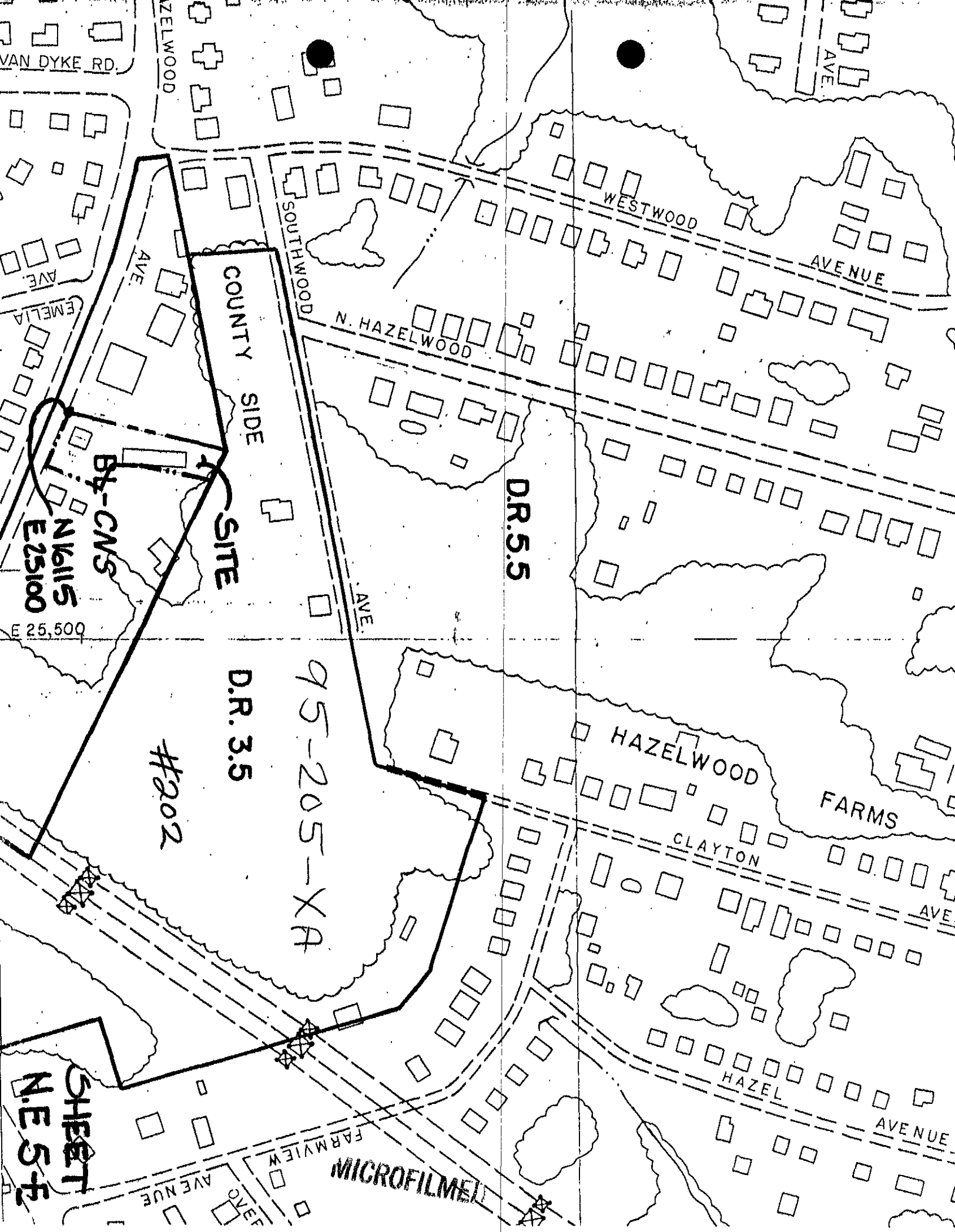
Balto, MD. 21236

311 W TIMONUM RD 21093

1700 Evergreen Ave

Baltimore MD 21222





VAN DYKE RD.

ZELWOOD

AVE.

AVE.

COUNTY SIDE

SITE

SOUTHWOOD

N. HAZELWOOD

WESTWOOD

AVENUE

D.R. 5.5

D.R. 3.5

95-205-XA

#202

BY-CNS

N 6115
E 25100

E 25,500

HAZELWOOD

FARMS

CLAYTON

AVE.

HAZEL

AVENUE

AVENUE

FARMVIEW

MICROFILMED

SHEET
N.E 5 E



4918 Hazelwood Avenue • Baltimore, Maryland 21206 • 410-866-1000 • Fax: 410-866-1307

January 15, 1995

To Whom it May Concern,

Since March 1, 1994, the day I opened Primo's Restaurant I have known Mr & Mrs Jeff Laciocco.

Both have been and are good neighbors and have become good friends.

I wholly endorse and support any and all changes to their yoming plans.

They are hard working, honest people and held in high esteem by everyone I know in our neighborhood.

Very Truly Yours

Ronald Peter Sloop

owner/President DPR Inc. trading as Primo's Restaurant

"From The Heart Of Little Italy, Serving You The Finest Italian Dishes In The Tradition Of Old And New"

Pet No 2

To Whom It May Concern.

Re: Hearing for 4918. Notarized one

I Daniel Cales feel that there would be no problem with the present existing repair auto shop presently in use at the above location. There has been no problems with the operation for the last 5-10 yrs.

Any inquiry would be welcome

Daniel Cales

Pet No 3

To Whom It May Concern.

Re: Hearing for 4918 Hazelwood Ave

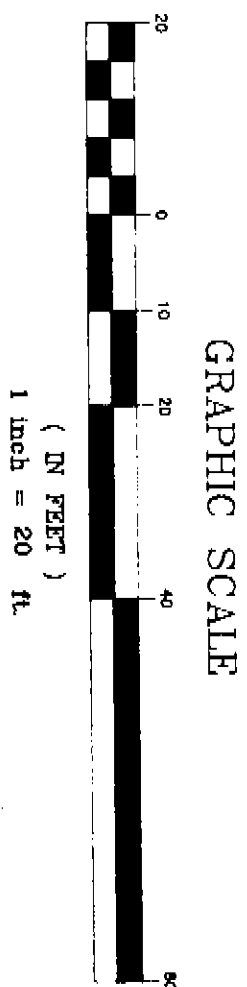
I Daniel Call feel that there would be no problem with the present existing repair auto shop presently in use at the above location. There has been no problems with the operation for the last 5-10 yrs.

Any inquiry would be welcome

Daniel Call

Pet No 3

60' RIGHT-OF-WAY

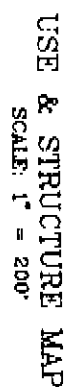


MICROFILMED

SHEET 1 OF 1

94025-1

#202



ROSENBAUM & COLES
8240/77

B1-025

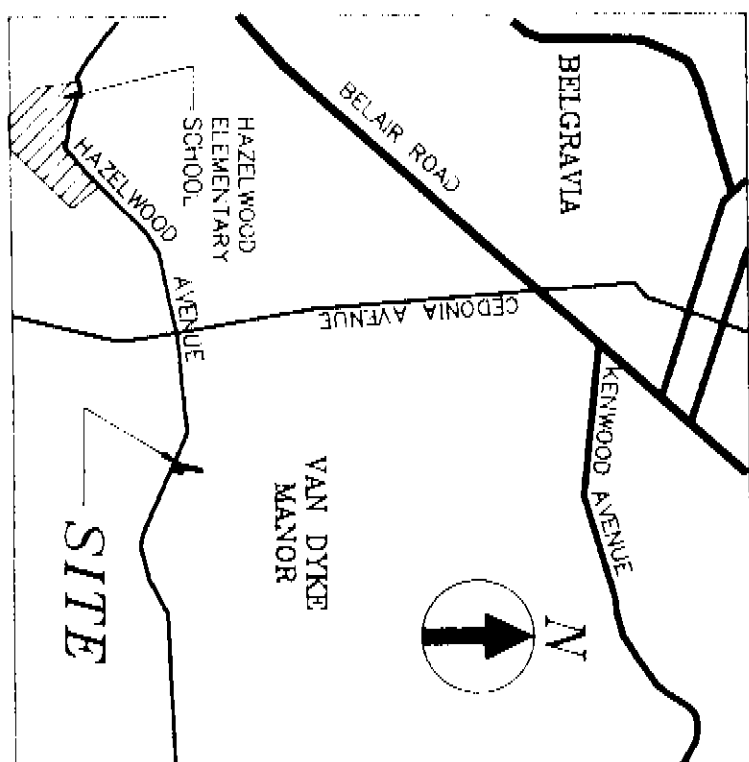
UTILITY EASEMENT
RW 75-377-7A

COUNTRY SIDE
PLAT WDC 7/3

BIL-ONS

GENERAL NOTES:

- 1) CURRENT OWNER: JOSEPH PALMASANO, JR.
- 2) OWNER'S ADDRESS: 311 TMONIUM ROAD,
TMONIUM MI. 41093
- 3) OWNER'S TELEPHONE NO.: 513-5639
- 4) APPLICANT: SAME AS OWNER
- 5) APPLICANT'S ADDRESS: SAME AS OWNER
- 6) PLAT REFERENCE: 9/81/205
- 7) DEED REFERENCE: NONE
- 8) DEED ACCOUNT NO. 44415
- 9) DEED ACCOUNT NO. 403000830 & 14/19000/2177
- 10) TYPE OF BUSINESS: SERVICE GARAGE
- 11) ELECTION DISTRICT: 14th
- 12) COUNCILMANIC DISTRICT: 6th
- 13) PARKING SPACES REQUIRED: SEE DATA BELOW
- 14) PARKING SPACES PROPOSED: SEE DATA BELOW
- 15) F.A.R. ALLOWED: 3.0
- 16) F.A.R. = 0.3
- 17) A.O.S. = NOT REQUIRED
- 18) PREVIOUS ZONING HEARINGS: NONE FOUND
- 19) PREVIOUS COMMERCIAL PERMITS: NONE FOUND
- 20) PREVIOUS WAIVERS: NONE FOUND
- 21) ZONING IS: B-ONS
- 22) FLOOR AREA: 6,289 Sq. Ft.



VICINITY MAP
SCALE: 1" = 2000'

2000

KENNETH J. WELLS, INC.

7902 BELAIR ROAD
BALTIMORE, MARYLAND 21238
(410) 665 3242

LAND PLANNERS AND SURVEYORS

REASONS:
NO. DATE

12/06/94

DRAWN BY: JCH

CHECKED BY:

DATE: 8/5/94

TITLE:
 PLAT TO ACCOMPANY
 A PETITION FOR
 SPECIAL EXCEPTION &
 VARIANCES

Seal of the Commonwealth of Massachusetts, featuring a Native American figure holding a bow and arrow, surrounded by the text "SIGILLUM REIPUBLICÆ MASSACHUSETTENSIS" and "1780".

KJW

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
AND ZONING VARIANCE
N/S Hazelwood Ave., 478 ft. E of * ZONING COMMISSIONER
C/1 Westwood Avenue
4918 Hazelwood Avenue * OF BALTIMORE COUNTY
14th Election District
6th Councilmanic District * Case No. 95-205-XA
Joseph Palmisano, Jr.
Petitioner * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as both a Petition for Special Exception and Petition for Zoning Variance for the property located at 4918 Hazelwood Avenue in the Kenwood section Baltimore County. The Petition is filed by Joseph Palmisano, Jr., property owner. Special Exception relief is requested pursuant to Section 230.13 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a service garage in a B.L.-C.N.S. zone. As to the Petition for Variance, relief is requested from Section 409.4.A. of the BCZR to permit a 12 ft. drive in lieu of the required 20 ft. drive; from Section 409.4.C. to permit a 19 ft. aisle in lieu of the required 22 ft. aisle; and from Section 409 to permit 12 parking spaces in lieu of the required 32 parking spaces. All of the relief requested is more particularly shown on Petitioner's Exhibit No. 1, the site plan to accompany the Petitions for Special Exception and Variance.

Appearing at the requisite public hearing held for this case was the property owner, Joseph F. Palmisano. Also present was Kenneth J. Wells, the licensed property line surveyor who prepared the site plan. Jeffrey and Patricia Pacciocco, tenants, also appeared at the hearing. The Petitioner was represented by Roger Sullivan, Esquire. There were no Protestants present.

Testimony and evidence presented was that the subject property is an irregularly shaped lot which is approximately .4443 acres in gross area.

As noted above, the site is zoned B.L.-C.N.S. The property is located on Hazelwood Avenue not far from the intersection of Hazelwood Avenue and Cedonia Road. As shown on the site plan, the property contains two parcels; namely, Parcel A and Parcel B. Parcel B is on the front portion of the property immediately abutting Hazelwood Avenue. That parcel is improved with a two story structure. The first floor is used as a restaurant and apparently has been used in such a manner for many years. The second floor contains a small office. The balance of Parcel B is .1163 acres in size and is improved with a macadam parking area.

Parcel A constitutes that portion of the lot to the rear of Parcel B. That parcel is .3280 acres in area and is improved with a one story 3 bay garage building. This is a long narrow building which is approximately 112.3 ft. in length and 24.4 ft. in depth. The garage is used to support a service garage business operated by Mr. and Mrs. Pacciocco.

As to the requested special exception, Mr. and Mrs. Pacciocco indicated that they have operated the service garage business at this location for six years. They are the only employees of the business other than Mrs. Pacciocco's father who works occasionally. The hours of operation of the business are 8:30 A.M. to 5:30 P.M. and the business generally operates from Monday through Saturday. As noted above, the building contains three bays and Mr. and Mrs. Pacciocco testified that they perform minor body work and light mechanical work on vehicles in the site. They also noted that the site was previously used as a service garage even before their business began at this location. A prior business known as Quinn's Auto Repair was operated from the site for approximately 10 years.

A service garage in a B.L. zone is permitted by special exception pursuant to Section 230.13 of the BCZR. This is a rare case where the Zoning Commissioner is afforded an opportunity to actually receive testimony

and evidence as to an existing business as opposed to a use which is proposed and not existing. The testimony and evidence offered was clear and convincing that the existing business can be operated from this site without any detriment to the health, safety and general welfare of the locale. The absence of Protestants in this respect was significant. There is no evidence that the use will, in any way, detrimentally affect this community. Thus, the Petition for Special Exception should be granted.

As to the variances, testimony was offered from both Mr. Palmisano and Mr. Wells in this regard. These variances are needed to legitimize the existing parking arrangement. As shown on the site plan, 32 spaces are required for the uses which are located on this property. Twenty-one spaces are actually provided. Mr. Wells explained that a practical difficulty or unreasonable hardship would exist if the variances were denied. Moreover, he testified that the property has unique features and characteristics which justify the variances. Specifically, its unusual configuration and shape justify that request for variances. Simply stated, additional parking cannot be accommodated on site. There is no room for additional parking spaces. The testimony offered by these witnesses was also that the present parking arrangement does not cause congestion or create any adverse impact for adjoining properties or the public at large. Apparently, the businesses operate in conjunction with one another from a time and use standpoint. Busy times for the garage, for example, are not at a time when the restaurant generates significant traffic.

Based on the testimony and evidence presented, I am persuaded that the Petition for Variance should be granted.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 20th day of January, 1995 that, pursuant to the Petition for Special Exception, approval, pursuant to Section 230.13 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a service garage in a B.L.-C.N.S. zone, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 409.4.A. of the BCZR to permit a 12 ft. drive, in lieu of the required 20 ft. drive, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that a variance from Section 409.4.C. to permit a 19 ft. aisle in lieu of the required 22 ft. aisle, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 409 to permit 12 parking spaces in lieu of the required 32 parking spaces, be and is hereby GRANTED, subject, however, to the following restriction:

1. The Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

LES:mmm

ORDER RECEIVED FOR FILING
Date 1/20/95
By M. J. J. J.

ORDER RECEIVED FOR FILING
Date 1/20/95
By M. J. J. J.

ORDER RECEIVED FOR FILING
Date 1/20/95
By M. J. J. J.

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

January 19, 1995

Roger Sullivan, Esquire
Law Offices of
F. Vernon Booser
614 Bosley Avenue
Towson, Maryland 21204

RE: Petitions for Special Exception and Zoning Variance
Case No. 95-205-XA
Joseph Palmisano, Jr., Petitioner

Dear Mr. Sullivan:

Enclosed please find the decision rendered on the above captioned case. The Petitions for Special Exception and Zoning Variance have been granted, with restriction, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,
Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner

LBS:mmm
att.
cc: Mr. Joseph Palmisano, Jr.
cc: Mr. and Mrs. Jeffrey Pacciocco

Petition for Special Exception

95-205-XA
to the Zoning Commissioner of Baltimore County
for the property located at 4918 HAZELWOOD AVENUE, BALTIMORE, MD 21206
which is presently zoned BL-CNS

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for
A Service Garage in a BL-CNS zone in accordance with
Section 230.13.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Correct Petitioner/Lessee

(Type or Print Name)
Signature
Address
City State Zipcode

Legal Owner(s)
Joseph Palmisano, Jr.
(Type or Print Name)
Signature
Address
City State Zipcode

Attorney for Petitioner

F. Vernon Booser
(Type or Print Name)
Signature
Address
City State Zipcode

311 Timonium Road 532-5632
Timonium, Maryland 21093
F. Vernon Booser
614 Bosley Avenue 828-9441
Towson, Maryland 21204

ESTIMATED LENGTH OF HEARING
1 hr.
RECEIVED BY: MJC DATE: 12/18/94

Petition for Variance

95-205-XA
to the Zoning Commissioner of Baltimore County
for the property located at 4918 HAZELWOOD AVENUE, BALTIMORE, MD 21206
which is presently zoned BL-CNS

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

SEE SCHEDULE A ATTACHED

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty) The subject site has been improved and in use since prior to 1949. The site has limited frontage to Hazelwood Avenue and while the first drive is 20 feet, the site cannot accommodate a second 20 foot drive due to the limited frontage and positioning of the building. And for such other reasons to be assigned at the hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Correct Petitioner/Lessee

(Type or Print Name)
Signature
Address
City State Zipcode

Legal Owner(s)
Joseph Palmisano, Jr.
(Type or Print Name)
Signature
Address
City State Zipcode

F. Vernon Booser
(Type or Print Name)
Signature
Address
City State Zipcode

311 Timonium Road 532-5632
Timonium, Maryland 21093
F. Vernon Booser
614 Bosley Avenue 828-9441
Towson, Maryland 21204

ESTIMATED LENGTH OF HEARING
1 hr.
RECEIVED BY: MJC DATE: 12/18/94

SCHEDULE A

95-205-XA

(1) Section 409.4.A to permit a 12 foot drive in lieu of the required 20 foot drive.

(2) Section 409.4.C to permit a 19 foot aisle in lieu of the required 22 foot aisle.

(3) Section 409 to permit 12 parking spaces in lieu of the required 32 parking spaces as shown on the Plat accompanying the petition.

94-12-06.gab

KENNETH J. WELLS, INC. 95-205-XA
Land Planners and Surveyors

Telephone: (410) 885-3242
Telecopier: (410) 885-3689

7802 Belair Road
Baltimore, Md. 21236-3735

Revised 11/30/94

ZONING DESCRIPTION
4918 HAZELWOOD AVENUE
14th ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point approximately 478 feet east from the centerline of Westwood Avenue along the north side of Hazelwood Avenue; thence North 18 degrees 53 minutes East 266.15 feet; thence North 81 degrees 24 minutes 36 seconds East 37.87 feet; thence South 12 degrees 01 minutes 40 seconds West 134.35 feet; thence South 4 degrees 17 minutes 50 seconds West 49.67 feet; thence South 65 degrees 46 minutes 30 seconds East 50.42 feet; thence South 24 degrees 13 minutes 30 seconds West 107.50; thence North 65 degrees 46 minutes 38 West 102.78 feet to the place of beginning. Containing 0.444 acres of land more or less.



202

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 14th Date of Posting: 12/21/94
Posted for: Special Exemption & Variance
Petitioner: Joseph Palamiano, Jr.
Location of property: 4918 Hazelwood Ave., Np
Location of Sign: Facing road way on property being zoned
Remarks: M. P. K. used
Posted by: M. P. K. used Date of return: 12/30/94
Number of Signs: 1

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:
Case: 95-205-XA
Item: 202
4918 Hazelwood Avenue
N/S Hazelwood Avenue
478' E of c/l Westwood Avenue
14th Election District
Legal Owner(s): Joseph Palamiano, Jr.
Hearing: Tuesday, January 17, 1995 at 2:00 p.m. in Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:
Special Exemption & Variance to permit a 12-foot drive in lieu of the required 20-foot drive; to permit a 19-foot aisle in lieu of the required 22-foot aisle; and to permit 12 parking spaces in lieu of the required 32 parking spaces as shown on the plat.
LAWRENCE E. SCHWARTZ
Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are handicapped accessible; for special accommodations please call 887-3353.
(2) For information concerning this file and/or hearing, please call 887-3391.
12/21 December 22

CERTIFICATE OF PUBLICATION

TOWSON, MD. Dec 23, 1994
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Dec 22, 1994.

THE JEFFERSONIAN,
A. Henrickson
LEGAL AD. - TOWSON

Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt
95-205-XA

Account: R-001-6150

Number
Item Number: 202
Taken on 12/21/94

Date: 12/21/94

Palamiano, Joe Jr. - 4918 Hazelwood Ave.

320 - Comm. Exp. - \$ 250.00

150 - Special Ex. - \$ 350.00

280 - 2 Signs - \$ 70.00

Total - \$ 670.00

03A3JW0145MICRO \$620.00
86-0003:51P412-07-94
Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management

#202

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Arnold Jablon, Director

For newspaper advertising:

Item No.: 202

Petitioner: Joseph Palamiano, Jr.

Location: 4918 Hazelwood Avenue

PLEASE FORWARD ADVERTISING BILL TO:

NAME: E. Vernon Boozer

ADDRESS: 614 Bosley Avenue

Towson, Maryland 21204

PHONE NUMBER: 828-7441

At: ggs

(Revised 04/09/93)

TO: PUBLISHER PUBLISHING COMPANY
December 22, 1994 Issue - Jeffersonian

Please forward billing to:

F. Vernon Boozer, Esq.
614 Bosley Avenue
Towson, Maryland 21204
828-7441

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-205-XA (Item 202)
4918 Hazelwood Avenue
N/S Hazelwood Avenue, 478' E of c/l Westwood Avenue
14th Election District - 6th Councilmanic
Legal Owner(s): Joseph Palamiano, Jr.
HEARING: TUESDAY, JANUARY 17, 1995 at 2:00 p.m. in Room 118, Old Courthouse.

Special Exemption for a service garage.
Variance to permit a 12-foot drive in lieu of the required 20-foot drive; to permit a 19-foot aisle in lieu of the required 22-foot aisle; and to permit 12 parking spaces in lieu of the required 32 parking spaces as shown on the plat.

LAWRENCE E. SCHWARTZ
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THIS FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

DECEMBER 14, 1994

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-205-XA (Item 202)
4918 Hazelwood Avenue
N/S Hazelwood Avenue, 478' E of c/l Westwood Avenue
14th Election District - 6th Councilmanic
Legal Owner(s): Joseph Palamiano, Jr.
HEARING: TUESDAY, JANUARY 17, 1995 at 2:00 p.m. in Room 118, Old Courthouse.

Special Exemption for a service garage.
Variance to permit a 12-foot drive in lieu of the required 20-foot drive; to permit a 19-foot aisle in lieu of the required 22-foot aisle; and to permit 12 parking spaces in lieu of the required 32 parking spaces as shown on the plat.

Arnold Jablon
Director

JOSEPH PALAMIANO, JR.
F. Vernon Boozer, Esq.

NOTES: (1) HEARING SIGN & POST MUST BE RETURNED TO RM. 106, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THIS FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Recycled Ink
on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

January 10, 1995

F. Vernon Boozer, Esquire
614 Bosley Avenue
Towson, Maryland 21204

RE: Item No.: 202
Case No.: 95-205XA
Petitioner: J. Palamiano

Dear Mr. Boozer:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by the Office of Zoning Administration and Development Management (ZADM), Development Control Section on December 8, 1994.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

Printed with Recycled Ink
on Recycled Paper

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

RECEIVED
JAN 5 1995
ZADM

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: January 3, 1995

SUBJECT: 4918 Hazelwood Avenue

INFORMATION:

Item Number: 202

Petitioner: Joseph Palmisano, Jr.

Property Size: .44 acres

Zoning: BL-CNS

Requested Action: Special Exception & Variance

Hearing Date: 1/1

SUMMARY OF RECOMMENDATIONS:

Based upon a site visit and analysis of the applicant's request, staff recommends that the applicant be required to provide a landscape plan for review by the Baltimore County Landscape Planner. Appropriate landscaping is necessary due to the proximity of adjacent residential uses.

Prepared by: *Jeffrey W. Long*

Division Chief: *Carroll S. Demilio*

PK/JL

Pg. 1

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: Dec. 27, 1994
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for December 27, 1994
Item No. 202

The Developers Engineering Section has reviewed the subject zoning item. This site should be made subject to the Landscape Manual to the extent possible.

RWB:sw



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

12-20-94

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204
ATTN: MS. JULIE WARSOW
Dear Ms. Winiarski:

Re: Baltimore County
Item No.: 4262 (HJK)

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for Ronald Burns, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

RE: PETITION FOR SPECIAL EXCEPTION
PETITION FOR VARIANCE
4918 Hazelwood Avenue, N/S Hazelwood Ave.
478' E of c/l Westwood Ave, 14th Election
District, 6th Councilmanic
Joseph Palmisano, Jr.
Petitioner

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 95-205-XA

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

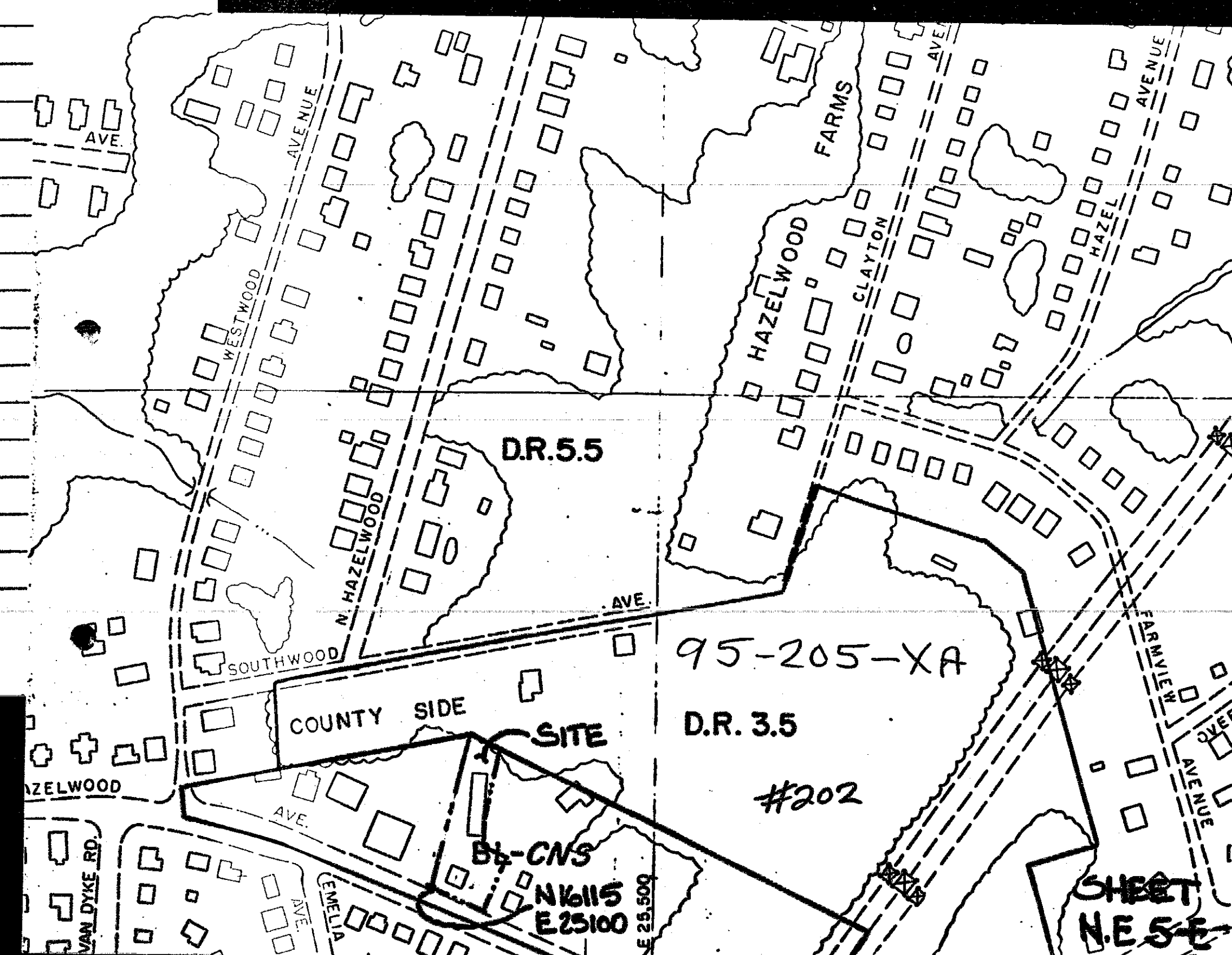
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of January, 1995, a copy of the foregoing Entry of Appearance was mailed to F. Vernon Boozer, Esquire, 614 Bosley Avenue, Towson, MD 21204, attorney for Petitioner.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

PLEASE PRINT CLEARLY PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Robert Sullivan Esq.	614 Besty Ave
Kenneth J. Wells	1902 Belair Rd
Kenneth J. Wells, Inc	Balto, MD 21236
Joseph F. Palmisano Jr	311 W. Timonium Rd
Jeffrey C. Murren	1700 Evergreen Ave
Christina Marie Pansier	Baltimore, MD 21222



4918 Hazelwood Avenue • Baltimore, Maryland 21206 • 410-866-1000 • Fax: 410-866-1307

January 15, 1995

To Whom it May Concern,

Since March 1, 1994, the day I opened Primus Restaurant I have known Mrs. and Mrs. Jeff Laico.

Both have been and are good neighbors and have become good friends.

I wholly endorse and support any and all changes to their zoning plans.

They are hard working, honest people and held in high esteem by everyone I know in our neighborhood.

Very truly yours

Donald Pata Sloop
Donald Pata Sloop
owner/President DPR Inc. trading as Primus Restaurant
"From The Heart Of Little Italy, Serving You The Finest Italian Dishes In The Tradition Of Old And New"

To Whom it May Concern.

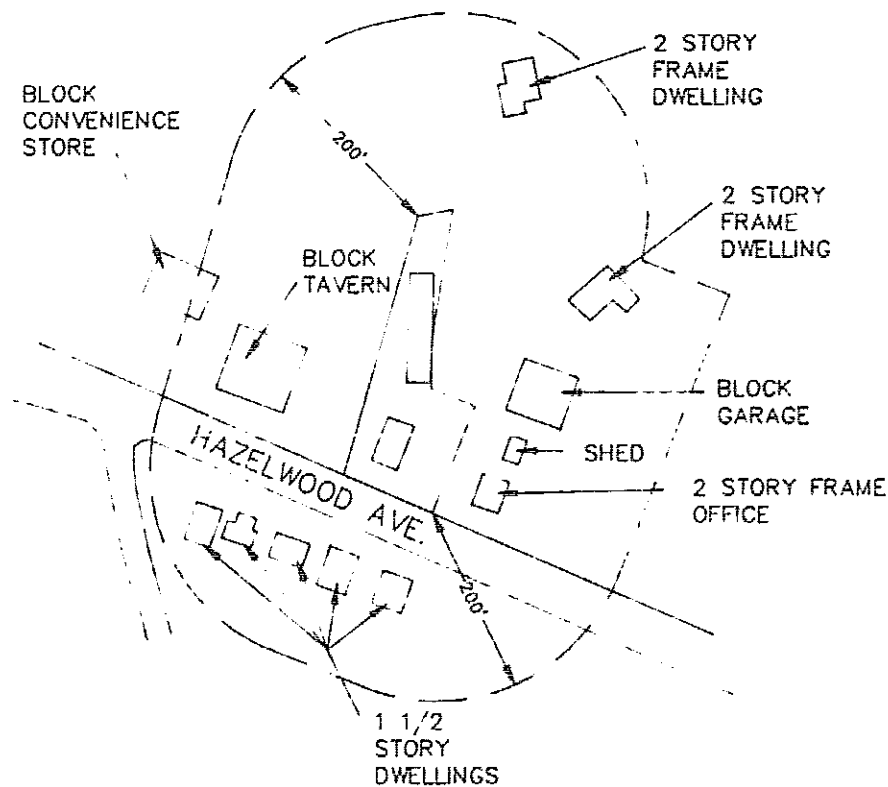
Re: Hearing for 4918 Hazelwood Ave

I cannot tell you that there would be no problem with the present existing repair auto shop presently in use at the above location. There has been no problems with the operation in the last 5-10 years.

any inquiry would be welcome

Donald Pata

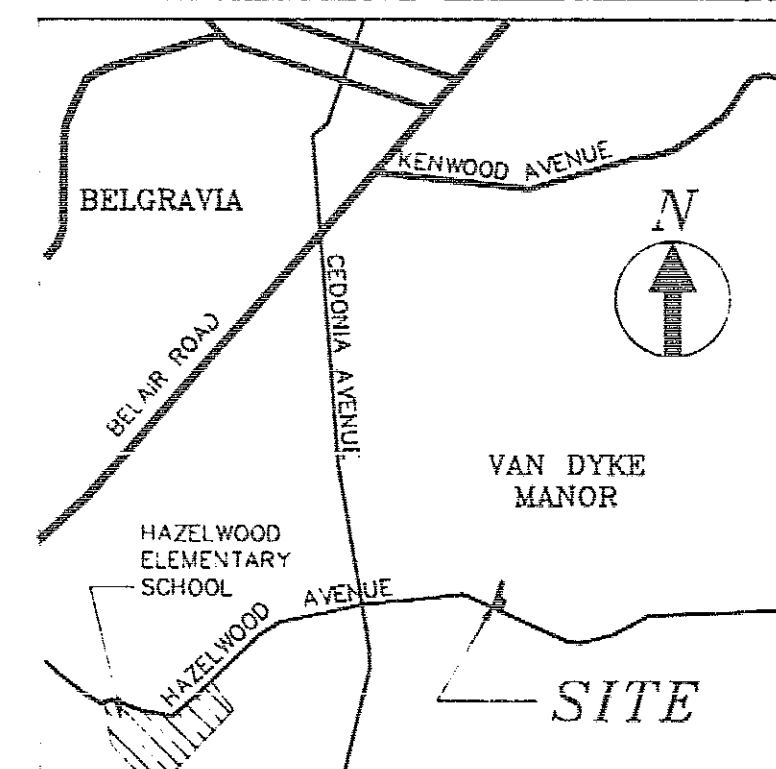
Pet No 3



USE & STRUCTURE MAP
SCALE: 1" = 200'

GENERAL NOTES:

- 1) CURRENT OWNER: JOSEPH PALMISANO, JR.
- 2) OWNER'S ADDRESS: 311 TIMONIUM ROAD, TIMONIUM MD. 21093
- 3) OWNER'S TELEPHONE NO.: 532-5639
- 4) APPLICANT: SAME AS OWNER
- 5) APPLICANT'S ADDRESS: SAME AS OWNER
- 6) DEED REFERENCE: 9781/205
- 7) PLAT REFERENCE: NONE
- 8) TAX ACCOUNT NO. 14/1403003830 & 14/1900012171
- 9) GROSS AREA: 0.4443 Ac.
- 10) TYPE OF BUSINESS: SERVICE GARAGE
- 11) ELECTION DISTRICT: 14th
- 12) COUNCILMANIC DISTRICT: 6th
- 13) PARKING SPACES REQUIRED: SEE DATA BELOW
- 14) PARKING SPACES PROPOSED: SEE DATA BELOW
- 15) F.A.R. ALLOWED: 3.0
- 16) F.A.R. = 0.3
- 17) A.O.S. = NOT REQUIRED
- 18) PREVIOUS ZONING HEARINGS: NONE FOUND
- 19) PREVIOUS COMMERCIAL PERMITS: NONE FOUND
- 21) PREVIOUS WAIVERS: NONE FOUND
- 22) ZONING IS: BL-CNS
- 23) FLOOR AREA: 6,289 Sq. Ft.



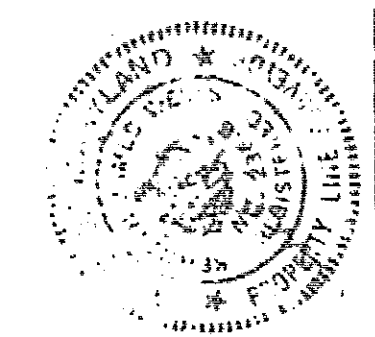
VICINITY MAP
SCALE: 1" = 2000'

KENNETH J. WELLS, INC.

7902 BELAIR ROAD
BALTIMORE, MARYLAND 21236
(410) 685-3242

LAND PLANNERS AND SURVEYORS

KJW



REVISIONS:
NO. DATE
1 12/06/94

DRAWN BY: JCH

CHECKED BY:

DATE: 8/5/94

TITLE:
PLAT TO ACCOMPANY
A PETITION FOR
SPECIAL EXCEPTION &
VARIANCES

SE-1

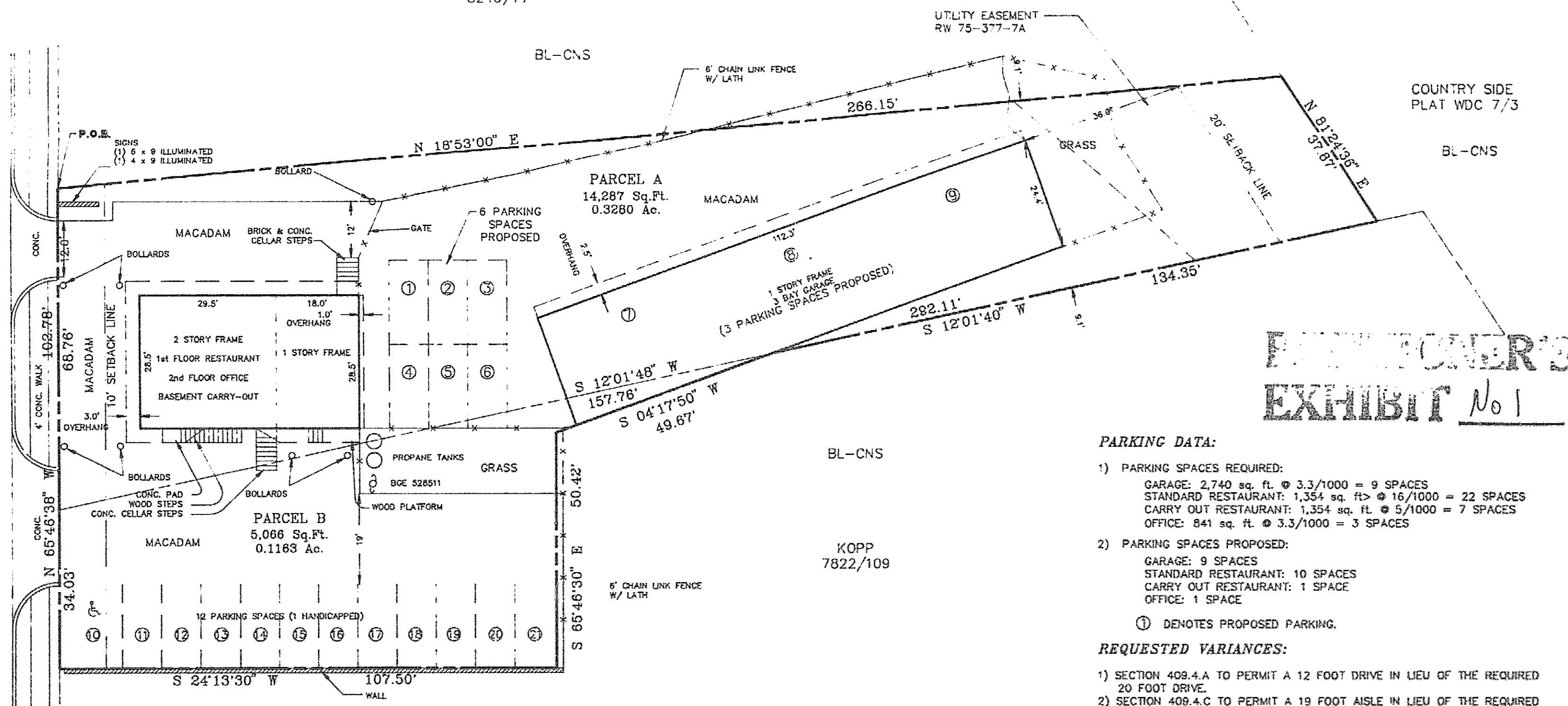
SHEET 1 OF 1

PROJECT NO.:

94025-1

95-205-XA

ROSENBAUM & COLES
8240/77



GRAPHIC SCALE



(IN FEET)
1 inch = 20 ft.

PARKING DATA:

- 1) PARKING SPACES REQUIRED:
GARAGE: 2,740 sq. ft. @ 3.3/1000 = 9 SPACES
STANDARD RESTAURANT: 1,354 sq. ft. @ 16/1000 = 22 SPACES
CARRY OUT RESTAURANT: 1,354 sq. ft. @ 5/1000 = 7 SPACES
OFFICE: 841 sq. ft. @ 3.3/1000 = 3 SPACES

- 2) PARKING SPACES PROPOSED:
GARAGE: 9 SPACES
STANDARD RESTAURANT: 10 SPACES
CARRY OUT RESTAURANT: 1 SPACE
OFFICE: 1 SPACE

① DENOTES PROPOSED PARKING.

REQUESTED VARIANCES:

- 1) SECTION 409.4.A TO PERMIT A 12 FOOT DRIVE IN LIEU OF THE REQUIRED 20 FOOT DRIVE.
- 2) SECTION 409.4.C TO PERMIT A 19 FOOT AISLE IN LIEU OF THE REQUIRED 22 FOOT AISLE.
- 3) SECTION 409.6.A.2 TO ALLOW 10 PARKING SPACES IN LIEU OF THE REQUIRED 22 PARKING SPACES FOR A STANDARD RESTAURANT.
- 4) SECTION 409.6.A.2 TO ALLOW 1 PARKING SPACE IN LIEU OF THE REQUIRED 7 PARKING SPACES FOR A CARRY OUT RESTAURANT.
- 5) SECTION 409.6.A.2 TO ALLOW 1 PARKING SPACE IN LIEU OF THE REQUIRED 3 PARKING SPACES FOR AN OFFICE.

REQUESTED SPECIAL EXCEPTION:

TO PERMIT USE AS SERVICE GARAGE IN A BL-CNS IN ACCORDANCE WITH SECTION 239.13

EXHIBIT No 1